

**BEFORE THE
CALIFORNIA ACUPUNCTURE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**


In the Matter of the Accusation Against:)	Case No. 1A-2007-89
)	OAH No.
MARIA ANGELES GONZALEZ, L.AC.)	
2615 Camino Del Rio South, 201)	
San Diego, CA 92108)	
)	
Acupuncture License No. AC 9001)	
)	
Respondent.)	
_____)	

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the California Acupuncture Board, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on MAY 28 2009 .

It is so ORDERED APR 28 2009 .



Robert Brewer, Chair
Acupuncture Board
Department of Consumer Affairs
State of California

1 EDMUND G. BROWN JR., Attorney General
of the State of California

2 STEVEN V. ADLER
Supervising Deputy Attorney General

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Deputy Attorney General

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8 Attorneys for Complainant

9 **BEFORE THE**
10 **ACUPUNCTURE BOARD**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. 1A-2007-89

13 MARIA ANGELES GONZALEZ, L.AC.
2615 Camino Del Rio South, 201
14 San Diego, CA 92108

OAH No.

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

15 Acupuncture License No. AC9001

16 Respondent.

17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
19 above-entitled proceedings that the following matters are true:

20 PARTIES

21 1. Janelle Wedge (Complainant) is the Executive Officer of the Acupuncture
22 Board. She brought this action solely in her official capacity and is represented in this matter by
23 Edmund G. Brown Jr., Attorney General of the State of California, by Douglas Lee, Deputy
24 Attorney General.

25 2. MARIA ANGELES GONZALEZ, L.Ac. (Respondent) is representing
26 herself in this proceeding and has chosen not to exercise her right to be represented by counsel.

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1 CULPABILITY

2 8. Respondent understands and agrees that the charges and allegations in
3 Accusation No. 1A-2007-89, if proven at a hearing, constitute cause for imposing discipline
4 upon her Acupuncture License.

5 9. For the purpose of resolving the Accusation without the expense and
6 uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could
7 establish a factual basis for the charges in the Accusation, and that Respondent hereby gives up
8 her right to contest those charges.

9 10. Respondent agrees that her Acupuncture License is subject to discipline
10 and she agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary
11 Order below.

12 CONTINGENCY

13 11. This stipulation shall be subject to approval by the Acupuncture Board.
14 Respondent understands and agrees that counsel for Complainant and the staff of the
15 Acupuncture Board may communicate directly with the Board regarding this stipulation and
16 settlement, without notice to or participation by Respondent. By signing the stipulation,
17 Respondent understands and agrees that she may not withdraw her agreement or seek to rescind
18 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt
19 this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall
20 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action
21 between the parties, and the Board shall not be disqualified from further action by having
22 considered this matter.

23 12. The parties understand and agree that facsimile copies of this Stipulated
24 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
25 force and effect as the originals.

26 13. In consideration of the foregoing admissions and stipulations, the parties
27 agree that the Board may, without further notice or formal proceeding, issue and enter the
28 following Disciplinary Order:

1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that Acupuncture License No. AC9001 issued to
3 MARIA ANGELES GONZALEZ, L.Ac. (Respondent) is revoked. However, the revocation is
4 stayed and Respondent is placed on probation for three (3) years on the following terms and
5 conditions.

6 1. **REIMBURSEMENT FOR PROBATION SURVEILLANCE**

7 **MONITORING** Respondent shall reimburse the Board for the hourly costs it incurs in
8 monitoring the probation to ensure compliance for the duration of the probation period.
9 Probation monitoring costs are approximately \$100 per year.

10 2. **COURSEWORK** Respondent shall take and successfully complete not

11 less than twenty (20) semester units or thirty (30) quarter units of coursework in the following
12 area(s): Acupuncture Points; Needle Techniques; Advanced Needle Techniques. All
13 coursework shall be taken at the graduate level at a school approved by the Board. Classroom
14 attendance must be specifically required. Course content shall be pertinent to the violation and
15 all coursework must be completed within the first 3 years of probation. The required coursework
16 must be in addition to any continuing education courses that may be required for license renewal.

17 Within 90 days of the effective date of this decision, respondent shall submit a
18 plan for the Board's prior approval for meeting the educational requirements. All costs of the
19 coursework shall be borne by the respondent.

20 3. **OBEY ALL LAWS** Respondent shall obey all federal, state and local

21 laws and all regulations governing the practice of acupuncture in California. A full and detailed
22 account of any and all violations of law shall be reported by the respondent to the Board in
23 writing within seventy-two (72) hours of occurrence.

24 4. **QUARTERLY REPORTS** Respondent shall submit quarterly

25 declarations under penalty of perjury on forms provided by the Board, stating whether there has
26 been compliance with all the conditions of probation.

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1 5. SURVEILLANCE PROGRAM Respondent shall comply with the
2 Board's probation surveillance program and shall, upon reasonable notice, report to the assigned
3 investigative district office. Respondent shall contact the assigned probation surveillance
4 monitor regarding any questions specific to the probation order. Respondent shall not have any
5 unsolicited or unapproved contact with 1) victims or complainants associated with the case;
6 2) Board members or members of its staff; or 3) persons serving the Board as expert examiners.

7 6. INTERVIEW WITH THE BOARD OR ITS DESIGNEE Respondent
8 shall appear in person for interviews with the Board or its designee upon request at various
9 intervals and with reasonable notice.

10 7. CHANGES OF EMPLOYMENT Respondent shall notify the Board in
11 writing, through the assigned probation surveillance compliance officer of any and all changes of
12 employment, location and address within 30 days of such change.

13 8. TOLLING FOR OUT-OF-STATE PRACTICE OR RESIDENCE In the
14 event respondent should leave the State of California to reside or to practice, respondent shall
15 notify the Board or its designee in writing 30 calendar days prior to the dates of departure and
16 return.

17 Periods of temporary or permanent residence or practice outside California will
18 not apply to the reduction of the probationary term. Periods of temporary or permanent residence
19 or practice outside California will relieve respondent of the responsibility to comply with the
20 probationary terms and conditions with the exception of this condition and the following terms
21 and conditions of probation: Obey All Laws, Probation Unit Compliance and Cost Recovery.

22 Respondent's license shall be automatically canceled if respondent's periods of
23 temporary or permanent residence or practice outside California total two years. However,
24 respondent's license shall not be canceled as long as respondent is residing and practicing with
25 the acupuncture licensing authority in another state of the United States and is on active
26 probation with the acupuncture licensing authority of that state, in which case the two year period
27 shall begin on the date probation is completed or terminated in that state.

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1 9. EMPLOYMENT AND SUPERVISION OF TRAINEES Respondent
2 shall not employ or supervise or apply to employ or supervise acupuncture trainees during the
3 course of this probation. Respondent shall terminate any such supervisorial relationship in
4 existence on the effective date of this probation.

5 10. COST RECOVERY Respondent shall pay to the Board a sum not to
6 exceed the costs of the investigation and prosecution of this case. That sum shall be \$3068.50
7 and shall be paid in full directly to the Board, in equal quarterly payments, within 18 months
8 from the effective date of this decision. Cost recovery will not be tolled.

9 If Respondent is unable to submit costs timely, she shall be required instead to
10 submit an explanation of why she is unable to submit these costs in part or in entirety, and the
11 date(s) she will be able to submit the costs including payment amount(s). Supporting
12 documentation and evidence of why the Respondent is unable to make such payment(s) must
13 accompany this submission.

14 Respondent understands that failure to submit costs timely is a violation of
15 probation, and submission of evidence demonstrating financial hardship does not preclude the
16 Board from pursuing further disciplinary action. However, Respondent understands that
17 providing evidence and supporting documentation of financial hardship may delay further
18 disciplinary action.

19 Consideration to financial hardship will not be given should Respondent violate
20 this term and condition, unless an unexpected AND unavoidable hardship is established from the
21 date of this order to the date payment(s) is due.

22 The filing of bankruptcy by the Respondent shall not relieve the Respondent of his
23 responsibility to reimburse the Board for these costs.

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1 11. VIOLATION OF PROBATION If respondent violates probation in any
2 respect, the Board may, after giving respondent notice and the opportunity to be heard, revoke
3 probation and carry out the disciplinary order that was stated. If an accusation or petition to
4 revoke probation is filed against respondent during probation, the Board shall have continuing
5 jurisdiction until the matter is final, and the period of probation shall be extended until the matter
6 is final. No petition for modification or termination of probation shall be considered while there
7 is an accusation or petition to revoke probation pending against respondent.

8 12. COMPLETION OF PROBATION Upon successful completion of
9 probation, respondent's license will be fully restored.

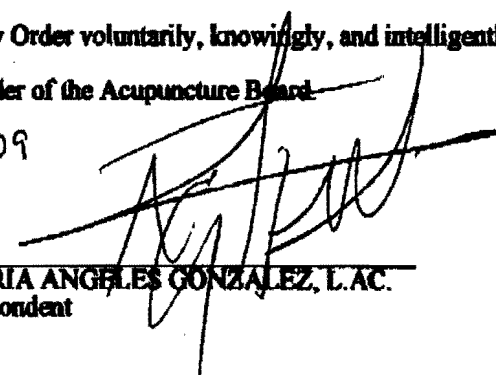
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ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Acupuncture License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Acupuncture Board.

DATED: 24th MARCH, 2009



MARIA ANGELES GONZALEZ, L.A.C.
Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Acupuncture Board of the Department of Consumer Affairs.

DATED: _____

EDMUND G. BROWN JR., Attorney General
of the State of California

STEVEN V. ADLER
Supervising Deputy Attorney General

DOUGLAS LEE
Deputy Attorney General

Attorneys for Complainant

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DATED: _____.

MARIA ANGELES GONZALEZ, L.A.C.
Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Acupuncture Board of the Department of Consumer Affairs.

DATED: 3/30/09

EDMUND G. BROWN JR., Attorney General
of the State of California

STEVEN V. ADLER
Supervising Deputy Attorney General

DL

DOUGLAS LEE
Deputy Attorney General

Attorneys for Complainant

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1300

Exhibit A
Accusation No. 1A-2007-89

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 STEVEN V. ADLER
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3 DOUGLAS LEE, State Bar No. 222806
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FILED

OCT 22 2008

ACUPUNCTURE BOARD

8 Attorneys for Complainant

9 **BEFORE THE**
10 **ACUPUNCTURE BOARD**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:
13 MARIA ANGELES GONZALEZ, L.Ac.
2615 Camino Del Rio South, 201
14 San Diego, CA 92108
15 Acupuncture License No. AC9001
16 Respondent.

Case No. 1A-2007-89

A C C U S A T I O N

18 Complainant alleges:

19 PARTIES

- 20 1. Janelle Wedge (Complainant) brings this Accusation solely in her official
21 capacity as the Executive Officer of the Acupuncture Board, Department of Consumer Affairs.
22 2. On or about March 18, 2003, the Acupuncture Board issued Acupuncture
23 License No. AC9001 to MARIA ANGELES GONZALEZ, L.Ac. (Respondent). The
24 Acupuncture License was in full force and effect at all times relevant to the charges brought
25 herein and will expire on January 31, 2009, unless renewed.

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1 payment.

2 “(e) All costs recovered under this section shall be considered a reimbursement
3 for costs incurred and shall be deposited in the Acupuncture Fund.”

4 6. Section 125.3 of the Code provides, in pertinent part, that the Board may
5 request the administrative law judge to direct a licentiate found to have committed a violation or
6 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
7 and enforcement of the case.

8 **CAUSE FOR DISCIPLINE**

9 **(Repeated Negligent Acts)**

10 7. Respondent is subject to disciplinary action under section 4955.2 of the
11 Code in that she committed repeated negligent acts in her care and treatment of patient D.E., as
12 more particularly alleged hereinafter:

13 (a) Between on or about March 5, 2005, and June 27, 2007, patient D.E.
14 received several acupuncture treatments at Pacific Center of Health. A majority of those
15 treatments were for neck pain and other minor complaints.

16 (b) On or about June 27, 2007, patient D.E. presented to respondent at Pacific
17 Center of Health for acupuncture treatment of a viral rash on her left arm.

18 (c) At the time of patient D.E.’s June 27, 2007, presentation to respondent,
19 Talia Hoke was a student at Pacific College of Oriental Medicine. As part of her education,
20 Hoke worked under respondent’s supervision and performed a number of modalities including
21 manipulation, removal of needles and electro acupuncture.

22 (c) Patient D.E. was treated with acupuncture and electro acupuncture to both
23 the right and left sides of her body in order to address the rash, a viral outbreak of Herpes zoster
24 (a painful, blistering, skin rash due to acute infection with varicella-zoster virus, the same virus
25 that causes chickenpox).

26 (d) The treatment patient D.E. received consisted of two parts. First,
27 respondent treated the right side of patient D.E.’s body with electro acupuncture. Second,
28 respondent treated the left side of patient D.E.’s body with electro acupuncture.

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2 (e) At one point during the first part of patient D.E.'s treatment (right side),
3 patient D.E. began to roll onto the needles. Respondent stopped patient D.E. before she could
4 roll onto the needles.

5 (f) During the second part of patient D.E.'s treatment (left side), after
6 respondent needled patient D.E.'s left side, respondent instructed Hoke to perform electro
7 acupuncture. Respondent then left the room. Patient D.E. told Hoke she was experiencing an
8 increase in pain, shortness of breath and overall discomfort. In response, Hoke manipulated two
9 or three of the needles. Two of the needles fell out. Hoke reinserted them.

10 (g) When respondent returned to the room, patient D.E. informed respondent
11 she could not continue with treatment due to the pain. Respondent directed Hoke to remove the
12 needles.

13 (h) After treatment was terminated, patient D.E. continued to express to
14 respondent that she was in pain and could only take shallow breaths.

15 (i) Respondent told patient D.E. to remain in the lobby for a few minutes.
16 Respondent did not check patient D.E.'s vital signs and sent her home.

17 (j) On or about June 28, 2007, at 4:30 a.m., patient D.E. was taken to the
18 hospital and diagnosed with hemothorax (collection of blood in the space between the chest wall
19 and the lung) and pneumothorax (collection of air or gas in space around the lungs). X-rays
20 taken at the hospital revealed needle fragments remained in patient D.E.'s lung.

21 (k) Respondent committed repeated negligent acts in her care and treatment of
22 patient D.E., on account of, but not limited to the following:

23 (1) Failing to properly and adequately supervise Hoke, a student intern;

24 (2) Improperly inserting an acupuncture needle into patient D.E.'s left side
25 resulting in injury to patient D.E.'s left lung; and,

26 (3) Failing to recognize the symptoms of patient D.E. (increasing pain,
27 difficulty breathing) and take appropriate measures.

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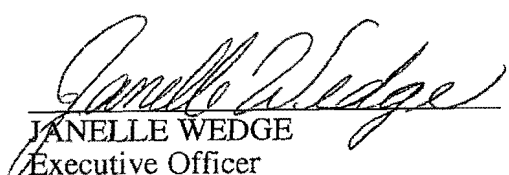
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2 PRAYER

3 WHEREFORE, Complainant requests that a hearing be held on the matters herein
4 alleged, and that following the hearing, the Acupuncture Board issue a decision:

- 5 1. Revoking or suspending Acupuncture License No. AC9001, issued to
- 6 Maria Angeles Gonzalez, L.Ac. (Respondent);
- 7 2. Ordering Respondent to pay the Acupuncture Board the reasonable costs
- 8 of the investigation and enforcement of this case, pursuant to Business and Professions Code
- 9 section 4959; and,
- 10 3. Taking such other and further action as deemed necessary and proper.

11
12 DATED: OCT 22 2008

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14 
15 JANELLE WEDGE
16 Executive Officer
17 Acupuncture Board
18 Department of Consumer Affairs
19 State of California
20 Complainant

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